

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEFFREY WELLER,

Petitioner,

v.

RONALD HAYNES,

Respondent.

Case No. 3:20-cv-05861-RAJ-TLF

ORDER WITHDRAWING AND
STRIKING DKT. 34, ORDER FOR
ORAL ARGUMENT AND
SUPPLEMENTAL BRIEFING, AND
ORDER ON MOTION TO STRIKE

SANDRA WELLER,

Petitioner,

v.

DEBORAH WOFFORD,

Respondent.

Case No. 3:20-cv-5862-RAJ-TLF

These are federal habeas actions filed under 28 U.S.C. § 2254. *Weller v. Haynes*, No. 20-5681-RAJ-TLF (“Jeffrey Weller Matter”), Dkt. 3; *Weller v. Wofford*, No. 20-5862-RAJ-TLF (“Sandra Weller Matter”), Dkt. 3.

Before the court is a motion to strike the respondent’s objections, filed by each petitioner. Dkt. 36. Petitioners ask the Court to strike Dkt. 35, filed by Ronald Haynes and Deborah Wofford, the respondents.

Under Rule 10 of the Rules Governing Section 2254 Federal Habeas Corpus Cases in the United States District Courts, the United States Magistrate Judge may

ORDER WITHDRAWING AND STRIKING DKT. 34,
ORDER FOR ORAL ARGUMENT AND
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1 conduct proceedings except for an order under rule 4, disposing of the petition. When
 2 this Court issued a proposed report and recommendation, it was not an order under
 3 Rule 4 that would dispose of the petition. The Court was attempting to give the parties
 4 an opportunity to provide feedback on a draft of a report and recommendation. This was
 5 not intended to be the final report and recommendation, but it is understandable that the
 6 respondents believed it appropriate to preserve the record by filing objections.

7 To remove this understandable confusion, the Court hereby withdraws and
 8 strikes Dkt. 34. The Court also grants the petitioners' motion to strike Dkt. 35 — without
 9 prejudice to respondents' right to re-raise their objections upon the issuance of a final
 10 report and recommendation — because when the Court withdraws and strikes Dkt. 34,
 11 it renders the respondents' objections moot. Therefore, the Court **ORDERS** as follows:

12 (a) The Clerk of the Court is directed to schedule oral argument on this matter
 13 and each party will be allocated 20 minutes.

14 (b) In preparation for oral argument, each party will be permitted to file a
 15 supplemental brief on or before January 20, 2023, limited to not more than
 16 25-pages, addressing the impact of *Shinn v. Ramirez*, 142 S.Ct. 1718
 17 (2022) on this matter.

18
 19 Dated this 11th day of January, 2023.

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21 Theresa L. Fricke
 22 United States Magistrate Judge